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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,607	10/30/2000	Kaushal Kurapati	US000256	6742

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EXAMINER

USTARIS, JOSEPH G

ART UNIT PAPER NUMBER

2616

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/699,607

Applicant(s)

KURAPATI, KAUSHAL

Examiner

Joseph G Ustaris

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/6/04, 8/30/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Amendment*

1. This action is in response to the RCE amendment dated 06 August 2004 in application 09/699,607.

The objection to the drawings is now withdrawn in view of the amendments.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Legall et al. (US006005565A) in view of Bowman et al. (US006006225A).

Regarding claim 1, Legall et al. (Legall) discloses a method for "searching an electronic program guide" (See Fig. 3A and 3B; column 1 lines 29-44). The system "obtains a list of available programs" (See column 2 lines 20-25) and performs a search that "compares attributes of said available programs to said attributes in said query (See Fig. 3B, category and subcategory) to identify programs satisfying said query (See column 3 lines 45-48)" (See column 3 lines 28-56). Legall also discloses that the system can "generate a user query in response to a command by a user" (See column 4 line 66 – column 5 line 22), where it specifies "at least one attribute for each of a plurality of program attributes" (See column 5 lines 4-14, i.e. title and lead actors). However, Legall

does not disclose (1) a method where the "attributes of the query" are an "attribute-value pair" and (2) "wherein at least one of said attribute-value pairs is selected based on a prior query search that has been executed by the user".

Bowman et al. (Bowman) discloses a method for refining search queries by the suggestion of correlated terms from prior searches. (1) Bowman discloses that the system maintains a historical information about the frequencies with which specific related query terms have appeared in prior searches or "attribute-value pairs" (See Fig 1, 142; column 6 lines 19-32). (2) Furthermore, the related query terms were used in a "prior query search that has been executed by the user" (See column 4 lines 1-43). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the "attributes of the query" and the search tool disclosed by Legall to be "attribute-value pairs" and for the search tool to select "at least one of said attribute-value pairs based on a prior query search that has been executed by the user", as taught by Bowman, in order to provide a system that can perform a search that strongly reflects the current tastes of the user thereby providing a more accurate means of selecting materials that are of interest to the user.

Regarding claim 2, the "generating step is performed automatically in response to said user command" (See Legall column 5 lines 9-13).

Regarding claim 3, the "user command" is a "single button click" on the particular broadcast (See Legall column 5 lines 9-13).

Regarding claim 4, the selected related terms are "obtained using the top-N search terms that have been previously used in a query" (See Bowman column 6 lines 41-58).

Regarding claim 5, the system receives key terms that "supercede said corresponding top-N search terms" (See Bowman Fig. 1, 140 and 142; column 6 lines 41-58).

Regarding claim 6, the system also "decomposes said query to identify attribute-value pairs contained in said query (See Bowman column 8 lines 15-32) and incrementing a counter indicating a number of times each of said attribute-value pairs appears in a user query (See Bowman Fig. 1, 146; column 6 line 64 — column 7 line 13)".

Claim 7 contains the limitations of claim 1 (wherein the search preformed includes generating a "user query", which is also considered as "constructing a query") and is analyzed as previously discussed with respect to that claim.

Claim 8 contains the limitations of claims 2 and 7 and is analyzed as previously discussed with respect to those claims.

Claim 9 contains the limitations of claims 3 and 7 and is analyzed as previously discussed with respect to those claims.

Claim 10 contains the limitations of claims 4 and 7 and is analyzed as previously discussed with respect to those claims.

Claim 11 contains the limitations of claims 5 and 10 and is analyzed as previously discussed with respect to those claims.

Claim 12 contains the limitations of claims 6 and 7 and is analyzed as previously discussed with respect to those claims.

Claim 13 contains the limitations of claims 7, 10, and 11 and is analyzed as previously discussed with respect to those claims.

Claim 14 contains the limitations of claims 8 and 13 and is analyzed as previously discussed with respect to those claims.

Claim 15 contains the limitations of claims 9 and 13 and is analyzed as previously discussed with respect to those claims.

Claim 16 contains the limitations of claims 11 and 13 and is analyzed as previously discussed with respect to those claims.

Claim 17 contains the limitations of claims 12 and 13 and is analyzed as previously discussed with respect to those claims.

Claim 18 contains the limitations of claim 1 and is analyzed as previously discussed with respect to that claim. Furthermore, Legall discloses that the method is performed by a computer system, which includes a "processor" and "memory" (See Legall Fig. 1; column 2 lines 7-20).

Claim 19 contains the limitations of claims 7 and 18 and is analyzed as previously discussed with respect to those claims.

Claim 20 contains the limitations of claims 13 and 18 and is analyzed as previously discussed with respect to those claims.

Claim 21 contains the limitations of claim 1 and is analyzed as previously discussed with respect to that claim. Furthermore, Legall discloses that the method is

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performed by a computer system, wherein inherently the computer system runs a computer program or "computer readable code" from a "computer readable medium" (See Legall Fig. 1; column 2 lines 7-20).

Claim 22 contains the limitations of claims 7 and 21 and is analyzed as previously discussed with respect to those claims.

Claim 23 contains the limitations of claims 13 and 21 and is analyzed as previously discussed with respect to those claims.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please take note of Dodson et al. (US006184877B1) for their similar method of automatic query generation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph G Ustaris whose telephone number is 703-305-0377. The examiner can normally be reached on M-F 7:30-5PM; Alternate Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew I Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
JGU

December 16, 2004



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